

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 25, 2005. Claims 1, 4 to 8, 11 to 15 and 18 to 21 are in the application, of which Claims 1, 8 and 15 are independent. Reconsideration and further examination are respectfully requested.

Formal objections were lodged against the drawings for the reason that they included reference characters not mentioned in the specification. In response, rather than amending the drawings, the specification has been amended so as to include the needed reference characters. Thus, a reference to step S111 has been inserted at page 29; references to steps S124 and S125 have been inserted at page 34; a reference to step S151 has been inserted at page 33; a reference to step S175 has been inserted at page 138. It is respectfully requested to withdraw the objection to the drawings.

Formal objections were also lodged against the specification, and in response all of the requested changes have been made.

Claims 15 to 21 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In response, independent Claim 15 has been amended in keeping with the guidelines found at MPEP § 2106, such that it now recites a "computer-executable" print control program that is "stored on a computer-readable memory medium". Withdrawal of the § 101 rejection is therefore respectfully requested.

Claims 1 to 6, 8 to 13, 15 to 20 and 22 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,891,632 (Schwartz), and Claims 7, 14 and 21 were rejected under

§ 103(a) over Schwartz in view of U.S. Patent 6,665,425 (Sampath). In response, the substance of Claims 2 and 3 has been incorporated into independent Claim 1, and Claims 2 and 3 have consequently been cancelled. Like changes have been made for each of the independent claims. Accordingly, this should be viewed as a traversal of the rejections, as detailed more fully below.

The invention concerns a selection of an operation mode for print processing from among a plurality of such operation modes, with the selection being made based on a selection criterion and an analysis result. According to one feature of the invention, a query is made after print processing so as to acquire an evaluation result from a user as to a printing speed for the print processing or the quality of printing produced by the print processing. Based on the acquisition of the evaluation result, the selection criterion is updated.

By virtue of the foregoing feature, in which a selection criterion for determining an operation mode is updated, it is possible in future print requests to determine an operation mode automatically and also tailored to the user's past experience in printing speed or print quality.

Thus, as set out in the claims herein, an operation mode is automatically determined from among a plurality of operation modes in response to a print request from an application program. Print data is generated in an intermediate condition and temporarily stored, wherein the intermediate condition is independent of a particular page description language. The temporarily stored generated print data is analyzed, and a determination is made of the operation mode based on a selection criterion and based on

the analysis, and the temporarily stored generated print data is processed in accordance with the determined operation mode. An evaluation screen is displayed for querying evaluation of a printing speed for the print processing or for querying the quality of print produced by the print processing, and an evaluation result is acquired by a user's use of the displayed evaluation screen. The selection criterion is updated based on the evaluation result.

The applied art is not seen to disclose or to suggest the foregoing arrangement, and in particular is not seen to disclose or to suggest at least the feature of determining an operation mode from among a plurality of operation modes based on a selection criterion and based on analysis of generated print data wherein the selection criterion is updated based on acquisition of an evaluation result of a printing speed for print processing or the quality of print produced by the print processing.

Schwartz pertains to a print driver that automatically selects a print strategy for "optimal" performance using one of several possible selection criteria. Columns 5 and 6 of Schwartz describe three different criteria: an automatic mode, a data-size mode, and an explicit selection mode. Each different selection criterion emphasizes different priorities such as speed of print or size of the print data.

Accordingly, although it is true that Schwartz describes selection criteria by which an operation mode is selected, Schwartz does not somehow update these selection criteria. Thus, Schwartz is not seen to disclose or to suggest at least the foregoing feature of updating a selection criterion based on acquisition of an evaluation result of printing speed or quality of print.

Sampath has been reviewed, but it is not seen to add anything to the above discussion of Schwartz, and in particular is not seen to remedy the deficiencies of Schwartz. Moreover, Applicant respectfully disputes the Office Action's explanation of motivation for combining Sampath with Schwartz. It might be true, as mentioned at page 8 of the Office Action, that a combination of Sampath with Schwartz would improve customer satisfaction, or would "verify the results are those that the customer desires". However, any such motivation is not found in the art of record, which mentions nothing concerning how customer satisfaction might be improved if Sampath were combined with Schwartz. Since it is a requirement that motivation be found in the art itself, it is respectfully submitted that the motivation posited in the Office Action is insufficient as a matter of law.

No other matters being raised, it is respectfully submitted that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant  
Michael K. O'Neill  
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

CA\_MAIN 105403v1